

COURT OF APPEALS
STATE OF WASHINGTON
2007 AUG 13 AM 11:05
FILED
DIVISION #1

80834-1

In Re Matter No. 60245-4-1

of

Petitioners

Jay Pullman

Reply
Brief

Petitioner

Comes now Jay Pullman # 845002

Proceeding pro se in reply to Department
of Corrections response

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I ISSUES

- 1 When was I afforded an opportunity to be heard.
- 2 Is the definition of notice, an announcement or indication of some event.
- 3 How can a letter sent July 11, 2006 give notice to an event that took place February,

3 2006

II Facts

- 1 Adams, 132 Wn. App 640 ("has concluded that minimum due process requires written notice of reasons DOC is seeking to change 2 dam classification and an opportunity to challenge the facts Doc relied on from his

file to reach that decision.

2. The adjustment of my risk management

Level from a RMC to a RMB simultaneously
changed my early release date.

3. Early Release date October 13, 2006

before loss of 5990 (half-time)

4. Risk management level can not be changed

downward while in custody.

III Argument

1. The fourteenth amendment to the United

States Constitution prohibits governmental

deprivation of "Life, Liberty, without due
process of law"

2. Monahan 84 Wn. 2d at 923, The Supreme Court has held that once a tentative Parole release date is established, an inmate is entitled to minimal due process before cancellation of that date.

IV Conclusion

If I was given an opportunity, I would have asked, "How and what infractions are related to my risk to re-offend. I would have told them that it was impossible for me to incur WAC violation # 740 fraud on 6/30/2006 (as stated in DOC response brief exhibit 2 attachment F) I can only dream of that day. Because I was denied

Our most fundamental right. Our right to have due process. Our right to be heard in front of a competent tribunal.

The purpose of a notice is to inform an inmate, and enable him to marshal the facts and prepare a defense. Yet, I did not receive notice until after my 5990 was taken. Therefore it can only be concluded that I did not receive minimum due process of law. I ask this court for my immediate release from Department of Corrections in the interest of Justice

Respectfully
Submitted,
Jay Pullman